

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 SSO-00 NSCE-00 INRE-00

AGR-05 CEA-01 CIAE-00 COME-00 DODE-00 FRB-03 H-02

INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05

CIEP-01 SS-15 STR-04 TAR-01 TRSE-00 PRS-01 SP-02

FEAE-00 OMB-01 USIE-00 /096 R

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TREASURY:POSUCHMAN

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FM SECSTATE WASHDC

TO USMISSION EC BRUSSELS IMMEDIATE

AMEMBASSY BRUSSELS IMMEDIATE

AMEMBASSY BONN IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

AMEMBASSY ROME IMMEDIATE

INFO AMEMBASSY THE HAGUE IMMEDIATE

AMEMBASSY COPENHAGEN IMMEDIATE

AMEMBASSY DUBLIN IMMEDIATE

USMISSION GENEVA IMMEDIATE

AMEMBASSY LUXEMBOURG IMMEDIATE

USMISSION OECD PARIS IMMEDIATE

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E.O. 11652:N/A

TAGS: ETRD, EC

SUBJECT: COUNTERVAILING DUTIES -- FLOAT GLASS, CANNED HAMS

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1. THE TREASURY DEPARTMENT WILL ISSUE PRESS RELEASES ANNOUNCING PRELIMINARY DECISIONS ON SOME PENDING COUNTERVAILING CASES ON JUNE 27. ON EC CASES, TREASURY WILL ANNOUNCE A FINDING OF NO BOUNTIES OR GRANTS ON FLOAT GLASS FROM FRANCE AND THE U.K., AND AFFIRMATIVE FINDINGS THAT BOUNTIES OR GRANTS ARE BEING PAID ON IMPORTS OF CANNED HAM FROM THE EC (BASED ON PUBLISHED RESTITUTION PAYMENTS) AND FLOAT GLASS FROM GERMANY. IN GERMAN CASE TREASURY WAS REQUIRED TO BASE ITS DETERMINATION ON "BEST INFORMATION AVAILABLE" BECAUSE GERMAN GOVERNMENT AND INDUSTRY REPRESENTATIVES DID NOT PROVIDE COMPLETE DATA DURING CUSTOMS FIELD INQUIRY. THESE DECISIONS WILL APPEAR IN FEDERAL REGISTER OF JUNE 30 (TEXT WILL BE PROVIDED) AND EMBASSIES WILL BE INFORMED AFTERNOON OF JUNE 26.

2. MISSION REQUESTED TO BRIEF APPROPRIATE EC OFFICIALS, DRAWING ON FOLLOWING TALKING POINTS (GUNDELACH WAS FULLY BRIEFED ON STATUS OF EC CASES BY TREASURY JUNE 25):

3. IN CONVERSATIONS WITH EC OFFICIALS IN JUNE UNDER SECRETARY OF STATE ROBINSON AGREED TO KEEP EC INFORMED OF U.S. ACTIONS IN COUNTERVAILING DUTY CASES. WE WOULD LIKE TO TAKE THIS OPPORTUNITY TO INFORM YOU ABOUT A FORTHCOMING ANNOUNCEMENT COVERING A NUMBER OF OUTSTANDING COUNTERVAILING DUTY INVESTIGATIONS. AS YOU MAY REMEMBER, THE DEPARTMENT OF THE TREASURY ANNOUNCED THE INITIATION OF APPROXIMATELY THIRTY INVESTIGATIONS ON JANUARY 5, SEVERAL INVOLVING PRODUCTS FROM THE EUROPEAN COMMUNITY. A NUMBER OF THESE INQUIRIES HAVE BEEN TERMINATED WITH NO ACTION TAKEN (SHOES, STEEL PRODUCTS, DRIED APPLES AND TIE FABRICS) BUT THE NEW TIME LIMITS IN OUR TRADE ACT REQUIRE TREASURY TO ISSUE PUBLIC DETERMINATIONS IN THE REMAINING CASES BEFORE JULY 4, 1975. THOSE WHICH AFFECT PRODUCTS FROM THE COMMUNITY ARE: FLOAT GLASS FROM BELGIUM, ITALY, FRANCE, WEST GERMANY AND THE U.K. AND CANNED HAMS FROM THE COMMUNITY.

4. IN TWO OF THE FLOAT GLASS INQUIRIES (FRANCE, THE U.K.) SUFFICIENT DATA WAS GIVEN TO TREASURY INVESTIGATORS TO ENABLE THEM TO ANNOUNCE THAT BOUNTIES OR GRANTS ARE NOT LIMITED OFFICIAL USE

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BEING PAID. THIS IS AN INTERESTING DECISION BECAUSE IT MEANS THAT UNDER THE U.S. LAW REGIONAL ASSISTANCE PROGRAMS PER SE ARE NOT NECESSARILY FOUND TO BE BOUNTIES OR GRANTS; RATHER EACH CASE WILL BE DECIDED BASED ON RELEVANT FACTS.

5. IN THE THREE REMAINING INQUIRIES, REQUESTED INFORMATION WAS NOT PROVIDED TO TREASURY, WHICH IS THEREFORE REQUIRED TO BASE ITS DECISION ON THE "BEST INFORMATION

AVAILABLE". ON GERMANY TREASURY WILL FIND THAT BOUNTIES OR GRANTS EXIST. ITALY AND BELGIUM WILL BE DECIDED SHORTLY. WE HOPE THAT IN THESE CASES WHERE BOUNTIES OR GRANTS ARE FOUND GOVERNMENTS CONCERNED WILL UNDERSTAND THAT THESE ARE PRELIMINARY DETERMINATIONS AND THAT, LOOKING TO THE U.K. AND FRENCH CASES, THEY WILL PROVIDE ADDITIONAL INFORMATION WHICH WILL ALLOW THE FINAL DECISION TO BE BASED ON ACCURATE AND COMPLETE FACTS. FINALLY, IN THE CASE OF CANNED HAMS, TREASURY WILL ANNOUNCE THE EXISTENCE OF BOUNTIES OR GRANTS BASED ON THE RESTITUTION PAYMENTS PUBLISHED IN THE JOURNAL OF THE ECONOMIC COMMUNITIES.

6. WE WANT TO EMPHASIZE THAT THE PUBLICATION OF THESE DECISIONS AT THIS TIME IS A PROCEDURAL REQUIREMENT ONLY. THE USG IS PREPARED TO DISCUSS THESE CASES WITH THE COMMUNITY TO DETERMINE HOW BEST TO RESOLVE THEM, INCLUDING THE POSSIBILITY OF THE APPLICATION OF THE DISCRETIONARY AUTHORITY TO WAIVE DUTIES. WE HOPE WE CAN CONTINUE TO WORK TOGETHER TOWARD THE SATISFACTORY RESOLUTION OF THESE MATTERS.

7. FYI: REMAINING PRELIMINARY DECISIONS WILL BE ANNOUNCED EARLY IN WEEK OF JUNE 30. MISSION WILL BE ADVISED ON THESE ANNOUNCEMENTS SEPTTEL. KISSINGER

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Margaret P. Grafeld
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